



# The Matthew Shepard and James Byrd, Jr. **HATE CRIMES PREVENTION ACT** UNITED STATES SENATOR HARRY REID, MAJORITY LEADER



## Hate Crimes and the Latino Community

Senator Reid has fought hard over the last decade to enact hate crimes legislation to protect Latinos and other Americans from heinous and violent crimes based on bigotry and prejudice. With the leadership of Senator Reid, Congress succeeded in passing the *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* on October 22, 2009, as an amendment to the *National Defense Authorization Act for Fiscal Year 2010* (S. 1390), and it is now on President Obama's desk to be signed into law.

Hate crimes remain a serious problem in the United States, and the number of hate crimes committed against Hispanics and those perceived to be immigrants is on the rise. The number of hate groups has grown by 4% since last year, and by 54% since 2000. According to the FBI's most recent hate crime statistics, more than 77,000 hate crime incidents were reported to the FBI between 1998 and 2007. Hate crimes reported against Latinos increased by 40% between 2003 and 2007, and Hispanics were reportedly the target of more than 61.6% of hate crimes committed based on ethnicity or national origin.<sup>1</sup> As the attention on immigration reform continues, the increase in hate crimes against Hispanics has been linked to the escalation in the level of anti-immigrant speech on radio, television, and the internet.



Senator Reid with Judy Shepard, Matthew's mother at a press conference in the Capitol urging swift passage of Hate Crimes legislation.

## Background on the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act

Since the 1998 brutal murder of Matthew Shepard, a young man targeted simply because he was gay, Senator Reid has been raising awareness about hate crimes and working to make this legislation a reality.

This bill would help bring justice to those who intentionally target their victims based on race, color, religion, nationality, ethnicity, gender, sexual orientation, gender identity, or disability. It would authorize the federal government to prosecute a hate crime when a state is unwilling or unable to do so.

Senator Reid strongly supports this legislation because it recognizes the difference between assaulting someone to steal their money, and targeting someone because of their identity – because they are gay, or disabled, or Latino or Muslim. There is a difference between setting fire to an office building to collect insurance money, and setting fire to a house of worship to intimidate a community of Americans. Justice must be brought to those who terrorize and divide communities by perpetrating hateful acts.

## Main Provisions

### *The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act:*

- Authorizes the Department of Justice to assist state and local jurisdictions in prosecuting violent hate crimes, or to take the lead in such prosecutions where local authorities are unwilling or unable to act;
- Gives grants to state, local and tribal governments to combat hate crimes committed by juveniles;
- Grants funds to train local law enforcement officers in identifying, investigating, prosecuting and preventing hate crimes;
- Expands the groups now protected under current hate crimes law – those targeted because of their race, color, religion, or national origin – to include disability, gender, sexual orientation, or gender identity; and
- Eliminates a serious limitation on federal involvement under existing law – the requirement that a victim of a hate crime was attacked because he/she was engaged in a specified “federally-protected activity,” such as serving on a jury or voting.



*Senator Reid at press conference with leaders of the civil rights community after Senate passage of its bill in July 2009. To the right, Janet Murguía, President and CEO of the National Council of La Raza (NCLR), and John Amaya Legislative Staff Attorney, Mexican American Legal Defense and Educational Fund (MALDEF), to the left.*

## CRIMES THAT SHOULD NEVER GO UNPUNISHED

**Shenandoah, VA – June 2008:** Luis Ramirez, a farmhand and factory worker, Mexican immigrant, and father of two, was beaten to death because he was of Hispanic descent.<sup>2</sup> As the attackers ran away from the scene of the crime, one of them yelled to Ramirez’s friends, who had just arrived, “tell your f\* [expletive] Mexican friends to get the f\* [expletive] out of Shenandoah, or they’re next.” Despite the evidence of a hate-driven attack that resulted in death, the defendants were convicted of minor crimes and sentenced to only six and seven months in county jail. The Department of Justice is currently investigating hate crimes allegations.<sup>3</sup>

**Long Island, NY – November 2008:** Marcelo Lucero, a real estate professional living in New York originally from Ecuador, was killed by a senseless gang of teenagers who beat and stabbed him to death. Only one defendant faced charges of manslaughter and second-degree murder; the others were only charged with attempted assault, gang assault, and conspiracy. Currently, the Department of Justice is investigating hate crimes allegations.

**Brooklyn, NY – December 2008:** Jose Osvaldo Sucuzhañay, a father of two living in New York and originally from Ecuador, was attacked by men yelling racial and anti-gay slurs; they hit him in the head with a glass bottle and a metal bat. He clung to life for two days in a hospital and then died. The attackers have been charged with second-degree murder, manslaughter, and assault.

1 FBI (10/2008); Leadership Conference on Civil Rights (6/2009); Pew Hispanic Center (4/2009); NCLR (11/2008)

2 Urbina, Ian (May 17, 2009). “After Pennsylvania Trial, Tensions Simmer Over Race.” *New York Times*.

3 MALDEF (June 17, 2009). “Civil Rights Groups Express Outrage; Defendants in Hate Crime Murder of Latino, Father of Two, Receive Six- and Seven-Month Sentences.” Press Release.

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